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PART IV.

NOTIFICATIONS BY THE HEADS OF DEPARTMENTS.

JUDICIAL DEPARTMENT.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Dated the 24th September 1929.

At present under Order XXI, Rules 32 and 33 of the Code of Civil Procedure, 1911, a decree for the restitution of conjugal rights may be enforced by detention in the Civil prison of the party wilfully failing to obey it. But it is open to the Court to order that the decree shal be enforced only by attachment of property and not by detention in prison.

In British India in accordance with the tendency of modern legislation against sending women to Jail in civil matters, this discretion has been taken away and detention in prison as a method of executing a decree for restitution of conjugal rights has been abolished. Similar legislation was urged by the Representative Assembly in its Dasara Session of 1928.

The following draft rules, which it is therefore proposed to make in exercise of the powers conferred by section 122 of the Code of Civil Procedure, 1911 are published as required by the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken up for consideration by the Chief Court on or after the 25th November 1929.

Any objection or suggestion which may be received from any person with respect to these draft rules before the date aforesaid will be considered by the Chief Court.

Draft Rules.

In Sub-rule (1) of Rule 32 of Order XXI in the First Schedule to the Code of Civil Procedure 1911, after the word "enforced" the following shall be inserted, namely :—

"In the case of a decree for restitution of conjugal rights by the attachment of his property or, in the case of a decree for the specific performance of a contract or for an injunction."

2. In Rule 33 of the said Order,—

(*a*) in Sub-rule (1), after the words "passing a decree" the words "against a husband" shall be inserted, and for the words "shall not be executed by detention in prison" the words "shall be executed in the manner provided in this rule" shall be substituted; and (*b*) in Sub-rule (2), the words "and the decree holder is the wife" shall be omitted.

H. M. KRISHNASWAMI,
Registrar.